

Hon'ble Irshad Hussain, J.

Heard Sri Narayan Datt learned counsel for the petitioner and learned A.G.A.

This is contempt petition alleging that the compliance of the Court's order passed on 25.11.2002 has not been made by the respondents. Para No. 4 of the counter affidavit of the secretary concerned reveal that the promotion of the Assistant Engineers were made by the State of U.P. as a result of the D.P.C. held on 24th December, 1999 and the case of the petitioner was also considered. He was not found fit to be promoted by the department. After creation of State of Uttaranchal the service record of the officers of the department were received on 30 April, 2003 and it is also averred in para-9 of the affidavit that as and when the D.P.C. is held, case of the petitioner shall be considered for promotion according the procedure and rules applicable to the petitioner and other incumbents. Considering the circumstances it is evident that the case of contempt of the order has not been made out and, therefore the petition is dismissed and notice is discharged.

(Irshad Hussain, J.)

Dt. 04.08.2003:

NCM: